

In the
Indiana Supreme Court



In re Matter of Foreign Attorneys Who)	Supreme Court Cause No.
Fail to File a Timely Notice of Temporary)	94S00-0704-MS- <u>175</u>
Admission or Timely Renewal of)	
Registration)	

STANDING ORDER GOVERNING TEMPORARILY ADMITTED ATTORNEYS WHO FAIL
TO FILE A TIMELY NOTICE OF TEMPORARY ADMISSION OR A TIMELY RENEWAL
OF REGISTRATION FOR TEMPORARY ADMISSION

This order prescribes procedures for the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court ("Clerk") to follow when temporarily admitted foreign attorneys fail to file a timely Notice of Temporary Admission or fail to file a timely renewal of registration for temporary admission.

Attorneys granted temporary admission in Indiana must file a Notice of Temporary Admission with the Clerk of the Supreme Court "within thirty (30) days after a court grants permission to appear in the proceeding," and failure to do "shall result in automatic exclusion from practice within this state." Ind. Admission and Discipline Rule 3, § 2(b). In addition, attorneys who continue to appear on the basis of a temporary admission in any case pending as of the first day of a new calendar year must pay a renewal fee "within thirty (30) days of the start of that calendar year," and failure to do so "shall result in automatic exclusion from practice within this state." *Id.* § 2(c).

When the Clerk of the Supreme Court becomes aware that an attorney has been automatically excluded from practice within the state by operation of Admission and Discipline Rule 3, section 2, the Clerk SHALL send notice of the attorney's automatic exclusion from practice to all Indiana courts in which the Clerk knows the attorney has been temporarily admitted, with a carbon copy to the excluded attorney, and shall note the mailing of the notice on the record of the attorney in the Roll of Attorneys database. The Clerk's Notice shall inform the court(s) and attorney, among other things: (1) of the date on which the exclusion took effect and that it shall remain in place until further notice; (2) that legal actions taken by the attorney in a representative capacity in Indiana after the effective date may constitute the unauthorized practice of law; and (3) that the attorney may seek relief from the automatic exclusion by filing a petition with the Supreme Court, which shall, among other things, describe the reason(s) for the attorney's failure to comply with Admission and Discipline Rule 3, section 2, list all pending Indiana cases (including court and cause number) in which the attorney has been granted temporary admission, be accompanied by a "Notice of Temporary Admission" (if the exclusion is pursuant to Admission and Discipline Rule 3, section 2(b)) or a renewal fee (if the exclusion is under Admission and Discipline Rule 3, section 2(c)), and include as an attachment a copy of the Clerk's Notice.

This Standing Order shall remain in effect until further notice from this Court.

The Clerk is directed to send copies of this order to the President of the Indiana State Bar Association; to the Executive Secretary of the Indiana Disciplinary Commission; to the Executive Director of the Indiana Judicial Center; and to the Executive Director of the Indiana Supreme Court's Division of State Court Administration. The Clerk is also directed to send copies of this order to the Michie Company and West Publishing Company, and West Publishing Company is directed to publish this Order in the advance sheets of this Court.

Done at Indianapolis, Indiana, this 26th day of April, 2007.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

[Clerk of Courts letterhead]

Notice of Automatic Exclusion

To: _____

Re: _____, admitted in

[Name of attorney temporarily admitted]

[Case name and cause number of case for which attorney was admitted]

This is to notify you that, effective _____, the above-named attorney became automatically excluded from the practice of law in Indiana for failure to:

- ☐ File a timely Notice of Temporary Admission, *see* Ind. Admission & Discipline Rule 3, § 2(b); or
- ☐ Make timely payment of the required renewal of registration fee for temporarily admitted attorneys, *see id.* § 2(c).

The attorney may seek may seek relief from the automatic exclusion by filing a petition with the Supreme Court, which must: (1) describe the reason(s) for the attorney's failure to comply with Admission and Discipline Rule 3, section 2; (2) list all pending Indiana cases (including court and cause number) in which the attorney has been granted temporary admission; (3) be accompanied by a "Notice of Temporary Admission" (if the exclusion is pursuant to Admission and Discipline Rule 3, Section 2(b)) or a renewal admission fee if the exclusion is pursuant to Admission and Discipline Rule 3, Section 2(c)); and (4) include an attached copy of this Notice.

Until further notice, this attorney may no longer engage in the practice of law in Indiana, and doing so may constitute the unauthorized practice of law, *see* Admis. Disc. R. 24. If the Indiana Supreme Court grants this attorney relief from the automatic exclusion, you will be so informed.

Kevin S. Smith
Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court

cc: [Attorney]